

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Courts
Southern District of Texas
FILED

SEP - 7 2010

No. 10-20309

Clerk of Court

ODELIA ABECASSIS; MARGARITA ABRAMOV; YURI ABRAMOV; MAZAL
ALEVI; ORTAL ALEVI; ET AL,

Plaintiffs - Appellants

v.

OSCAR S. WYATT, JR.; NUCOASTAL CORPORATION; NUCOASTAL
TRADING CO., S.A.; EL PASO ENERGY CORPORATION; DAVID
CHALMERS, JR.; BAYOIL SUPPLY & TRADING LIMITED; BAYOIL
(USA), INC.,

Defendants - Appellees

Appeal from the United States District Court for the
Southern District of Texas
USDC No. 4:09-CV-3884

Before CLEMENT, SOUTHWICK, and HAYNES, Circuit Judges.

PER CURIAM:

This court must examine the basis of its jurisdiction on its own motion if necessary. *Hill v. City of Seven Points*, 230 F.3d 167, 169 (5th Cir. 2000). In this tort case, the plaintiffs filed a notice of appeal from an order of the district court dismissing all of the plaintiffs' claims against the defendants except the claims under the Antiterrorism Act. When an action involves multiple claims, any decision that disposes of fewer than all the claims does not terminate the litigation and is therefore not appealable unless certified

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under Federal Rule of Civil Procedure 54(b). *See Borne v. A & P Boat Rentals No. 4, Inc.*, 755 F.2d 1131, 1133 (5th Cir. 1985). In this case, the district court expressly allowed the plaintiffs to replead their Antiterrorism Act claims and denied a motion to certify the order of dismissal pursuant to Rule 54(b). Accordingly, this court is without jurisdiction and the appeal must be dismissed.

IT IS SO ORDERED.